



April 4, 2022

The Honorable Peter A. DeFazio  
Chair  
Committee on Transportation and Infrastructure  
House of Representatives  
Washington, D.C. 20515

Dear Chair DeFazio:

Thank you for your February 7, 2022 letter to the Environmental Protection Agency (EPA) and U.S. Department of the Army ("the agencies," hereafter) regarding the proposed rule to revise the definition of "waters of the United States." 86 Fed. Reg. 69372 (Dec. 7, 2021). The proposed rule to revise the definition of "waters of the United States" constitutes a return to the pre-2015 regulations, updated to reflect consideration of Supreme Court decisions and would re-establish in our regulations familiar and fundamental protections for waters and wetlands on a long-standing scientific, regulatory, and historical foundation. You can access the proposed rule at the following website:

<https://www.epa.gov/wotus/revising-definition-waters-united-states>. The public comment period for the proposed rule ended on February 7, 2022. The agencies are now in the process of reviewing public comments on the proposed rule and we will consider these comments as we work to shape the final rule.

The agencies acknowledge the support you expressed in your letter for the current rulemaking effort as well as your support for the agencies to pursue a subsequent rulemaking to establish a more protective and substantive definition of "waters of the United States." This feedback and input are appreciated and will be taken into consideration as the agencies remain committed to establishing a durable definition of "waters of the United States" that is informed by diverse perspectives and protects public health, the environment, and downstream communities, while supporting economic opportunity, agriculture, and industries that depend on clean water.

Thank you again for your letter. Please contact us if you have any remaining questions or your staff may contact Denis Borum in EPA's Office of Congressional and Intergovernmental Affairs at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836, or Stacey Jensen, Assistant for Regulatory and Tribal Affairs in the Office of the Assistant Secretary of the Army for Civil Works, at [stacey.m.jensen.civ@army.mil](mailto:stacey.m.jensen.civ@army.mil) or (703) 459-6026.

Sincerely,

A handwritten signature in black ink, appearing to read "Radhika Fox", is positioned above the name and title.

Radhika Fox  
Assistant Administrator  
Office of Water

A handwritten signature in black ink, appearing to read "Michael Connor", is positioned above the name and title.

Michael Connor  
Assistant Secretary of the Army  
(Civil Works)

cc: The Honorable Grace F. Napolitano, Chair,  
Subcommittee on Water Resources and  
Environment, Committee on Transportation  
and Infrastructure  
The Honorable Donald S. Beyer, Jr., Chair,  
Joint Economic Committee  
The Honorable Carolyn B. Maloney  
The Honorable Eleanor Holmes Norton  
The Honorable Julia Brownley  
The Honorable Salud Carbajal  
The Honorable Rick Larsen  
The Honorable Nanette Diaz Barragán  
The Honorable Danny K. Davis  
The Honorable Adriano Espaillat  
The Honorable John P. Sarbanes  
The Honorable Jerry McNeerney  
The Honorable Stephen F. Lynch  
The Honorable André Carson  
The Honorable Jesús G. "Chuy" García  
The Honorable Chellie Pingree  
The Honorable Gwen Moore  
The Honorable Henry C. "Hank" Johnson,  
Jr.  
The Honorable Lucy McBath  
The Honorable Nikema Williams  
The Honorable Bobby L. Rush  
The Honorable Marcy Kaptur  
The Honorable Frederica Wilson  
The Honorable Joe Neguse  
The Honorable Suzanne Bonamici  
The Honorable Jerrold Nadler  
The Honorable John B. Larson  
The Honorable C.A. Dutch Ruppersberger  
The Honorable Rashida Tlaib  
The Honorable Karen Bass  
The Honorable Sara Jacobs  
The Honorable Tom Suozzi  
The Honorable Mark Pocan  
The Honorable Adam Smith  
The Honorable Betty McCollum  
The Honorable Donald M. Payne, Jr.  
The Honorable Raúl M. Grijalva  
The Honorable Albio Sires  
The Honorable Bonnie Watson Coleman  
The Honorable Alan Lowenthal

The Honorable Maxine Waters  
The Honorable Jared Huffman  
The Honorable Grace Meng  
The Honorable Steve Cohen  
The Honorable Paul D. Tonko  
The Honorable Mondaire Jones  
The Honorable Carolyn Bourdeaux  
The Honorable Frank Pallone, Jr.  
The Honorable Juan Vargas  
The Honorable Dina Titus  
The Honorable Peter Welch  
The Honorable Mark Takano  
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The Honorable Marie Newman  
The Honorable Lisa Blunt Rochester  
The Honorable Bennie G. Thompson  
The Honorable Tony Cárdenas  
The Honorable Brenda L. Lawrence  
The Honorable Alma S. Adams, Ph.D  
The Honorable Barbara Lee  
The Honorable Mike Quigley  
The Honorable Sean Casten  
The Honorable Ed Case  
The Honorable Pramila Jayapal  
The Honorable Chris Pappas  
The Honorable Mark DeSaulnier  
The Honorable Mary Gay Scanlon  
The Honorable Debbie Dingell  
The Honorable Shontel M. Brown  
The Honorable Seth Moulton  
The Honorable Judy Chu  
The Honorable Gerald E. Connolly  
The Honorable Ritchie Torres  
The Honorable Brian Higgins  
The Honorable Dwight Evans  
The Honorable Susan Wild  
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The Honorable Madeleine Dean  
The Honorable Katie Porter  
The Honorable Jamaal Bowman, Ed.D.  
The Honorable David Trone  
The Honorable Donald Norcross  
The Honorable Robert C. “Bobby” Scott  
The Honorable Lucille Roybal-Allard  
The Honorable Mike Thompson  
The Honorable Katherine Clark  
The Honorable Melanie Stansbury  
The Honorable Ruben Gallego  
The Honorable Bradley S. Schneider